

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-19-08
Introduced by: City Council
Date Introduced: February 4, 2019
First Reading: February 4, 2019
Second Reading: February 11, 2019
Date Adopted: February 11, 2019
Date Effective: March 12, 2019

AN ORDINANCE concerning

CHAPTER 84 – Firearms and Fireworks

FOR the purpose of amending Chapter 84 – Firearms and Fireworks of the Code of the City of Seat Pleasant to amend for the purposes of prohibiting the possession of firearms near any public and private property in the City of Seat Pleasant.

BY Amending Chapter 84 – Firearms and Fireworks
Sections 84-1 and 84-2
Adding Section 84-3
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

WHEREAS, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

WHEREAS, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

WHEREAS, the City Council is concerned about the use and carrying of weapons with the intent to intimidate or commit a crime within the boundaries of the City of Seat Pleasant; and

WHEREAS, the City Council is desirous of establishing an ordinance prohibiting the use and carrying of any firearms or replica of any firearm within the City of Seat Pleasant and establishing enforcement provisions and penalties; and

WHEREAS, the City Council deems it in the best interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

SECTION 1. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 84 (Firearms and Fireworks), consisting of §§ 84-1 and 84-2, and adding 84-3 be and it is hereby enacted and added to the Code of the City of Seat Pleasant (1994 Edition, as amended), reading as follows:

§84-1

NO CHANGES

§ 84-2. ~~Violations and Penalties.~~ PROHIBITING THE USE, WEAR, CARRY, AND/OR TRANSPORT OF FIREARMS.

- A) IT SHALL BE UNLAWFUL TO POSSESS A LOADED FIREARM, LONG GUN, RIFLE, AND/OR SHOTGUN WITHIN TWO-HUNDRED (200) FEET OF ANY PUBLIC AND PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE GOVERNMENT.
- B) IT SHALL BE UNLAWFUL TO POSSESS A LOADED FIREARM, LONG GUN, RIFLE, AND/OR SHOTGUN WITHIN TWO HUNDRED FEET (200) OF ANY PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE OWNER.
- C) IT SHALL BE UNLAWFUL TO POSSESS A WEAPON OR A REPLICA OF A WEAPON IN A CRIME OF VIOLENCE OR WITH THE INTENT TO INTIMDATE.

§ 84-3. VIOLATIONS AND PENALTIES.

ANY PERSON VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SUBJECT TO A MAXIMUM FINE OF \$1,000.00 AND/OR A MAXIMUM TERM OF SIX MONTHS IMPRISONMENT AT THE DISCRETION OF THE COURT.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.


COUNCIL OF THE CITY OF SEAT PLEASANT

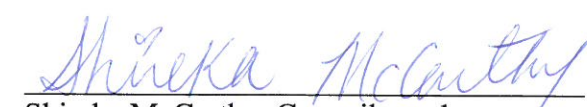

Charl Jones, Councilmember


Lamar Maxwell, Councilmember


Kelly Porter, Councilmember

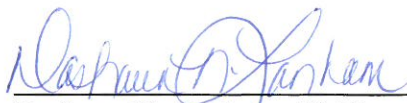

Reveral L. Yeargin, Councilmember


Hope Love, Councilmember


Shireka McCarthy, Councilmember

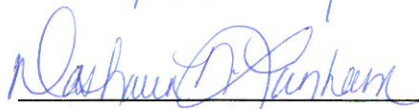

Gloria L. Sistrunk, Councilmember

ATTEST:



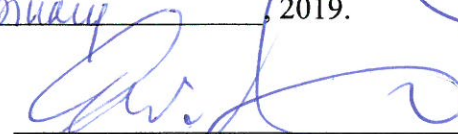
Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 18th day of February, 2019



Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby (APPROVE) ~~(DISAPPROVE)~~ of this Ordinance this 14th February, 2019.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.